

FAX COVER SHEET

The information contained in this facsimile message, if a client of this firm is a named addressee, or the message is otherwise intended for a client, is presumptively legally privileged and confidential information. If you are not a named addressee, or if there is any reason to believe that you may have received this message in error, (1) do not read the message below; (2) do not distribute or copy this facsimile; and (3) please immediately call us collect at the number of the sender below.

DATE:	January 26, 2004	TOTAL # OF PAGES: (INCLUDING THIS COVER SHEET)	22
TO:	Examiner Saidha	FAX #:	(571) 273-0940
FIRM NAME:	United States Patent and Trademark Office	PHONE #:	(571) 272-0940
FROM:	Ann M. Caviani Pease	FAX #:	(650) 494-8771
PHONE #:	(650) 565-2251	EMAIL:	pease.ann@dorsey.com

COMMENTS:

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being transmitted via facsimile to the attention of T. Saidha at facsimile number (571) 273-0940 at the United States Patent and Trademark Office on January 26, 2004:

1. Reissue Application Fee Transmittal Form (in duplicate);
2. Applicant Initiated Interview Request Form (2 sheets); and
3. Amendment Under 37 CFR § 1.173(b) (17 pages, including Appendices A & B)



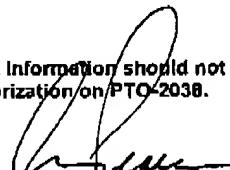
Vikki Athen

ORIGINAL WILL BE SENT VIA: ☐ MAIL ☐ E-MAIL ☐ MESSENGER ☐ AIR COURIER ☒ WILL NOT BE SENT

PLEASE CONTACT VIKKI ATHEN AT (650) 565-2214 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

REFERENCE # RI-71904

DORSEY & WHITNEY LLP · WWW.DORSEY.COM · T 650.494.8700 · F 650.494.8771
850 HANSEN WAY · SUITE 200 · PALO ALTO, CALIFORNIA 94304-1017
USA CANADA EUROPE ASIA

REISSUE APPLICATION FEE TRANSMITTAL FORM						Docket Number (Optional) 9584-017		
Claims as Filed - Part 1								
Claims in Patent	Number Filed In Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity			
			Rate	Fee		Rate	Fee	
(A) Total Claims (37 CFR 1.16(i))	(B)	**** =	x \$ _____ =		or	x \$ _____ =		
(C) Independent claims (37 CFR 1.16(i))	(D)	" =	x \$ _____ =			x \$ _____ =		
			Basic Fee (37 CFR 1.16(h))				\$ _____	
			Total Filing Fee			OR	\$ _____	
Claims as Amended - Part 2								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(i))	*** 113	MINUS	** 105	" = 8	x \$ _____ =		x \$ 18 _____ =	\$144
Independent Claims (37 CFR 1.16(i))	*** 7	MINUS	**** 7	=	x \$ _____ =		x \$ 85 _____ =	
					Total Additional Fee			\$ 290
							OR	\$ 434
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.</p> <p>*** After any cancellation of claims.</p> <p>**** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Please charge Deposit Account No. <u>50-2319</u> in the amount of <u>\$434.00</u>. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. <u>50-2319</u>. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> A check in the amount of \$ _____ to cover the filing/additional fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p style="text-align: center;">WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p><u>1/24/04</u> Date</p> <p><u>42,067</u> Registration Number, if applicable</p> </div> <div style="width: 45%; text-align: center;">  Signature of Applicant, Attorney or Agent of Record ANN M. CAVIARI PEASE Typed or printed name </div> </div>								

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Applicant Initiated Interview Request Form

Application No.: 09/586,744 First Named Applicant: Harrington
Examiner: T. Saidha Art Unit: 1652 Status of Application: pending

Tentative Participants:

(1) Applicant's Attorney Ann Pease (2) _____
(3) _____ (4) _____

Proposed Date of Interview: 1/29/04 Proposed Time: 11:00 (AM/PM)

Type of Interview Requested:

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☒ YES ☐ NO

If yes, provide brief description: Harrington and Lieber, 1995, J. Biol. Chem. 10(9):4503-4508

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Defective Oath</u>	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rejection</u>	<u>21-35 & 51-73</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>Rejection</u>	<u>21-25, 31-35 & 51-68</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

- (1) Applicant desires clarification of the defect.
- (2) Claims 21-35 and 51-73 are fully supported by the original disclosure and are therefore proper under 35

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from the issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments, on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Continuation Sheet - PTOL-418A

Application No.: 09/586,744 First Named Applicant: Harrington
Examiner: T. Saidha Art Unit: 1652 Status of Application: pending

U.S.C. § 251. In particular, cleavage substrates including a 3'-polynucleotide probe are described, for example, at Col. 11, lines 20-24 and illustrated in FIG. 6 and FIG. 5 of the H&L article. Other arguments to be discussed are detailed in Applicant's prior response (Paper No. 36).

(3) Description of 3'-flaps of 1 and 10 nucleotides and 5'-flaps of 1 and 20 nucleotides adequately supports claimed ranges of 1-10 nucleotides and 1-20 nucleotides, respectively. Other arguments to be presented are detailed in Applicant's prior response (Paper No. 36).